

**COMMITTEE'S MAJORITY REPORT
TO THE ASSOCIATION OF THE FEDERAL BAR
REGARDING HR 3835**

On March 6, 2000 Congressman Robert Andrews (D-1st, Congressional District) introduced HR 3835, a bill whose effect would be to divide the Federal District of New Jersey into two districts. A copy of this Bill is attached as Exhibit A. Under the original proposal, the eight southernmost counties of New Jersey would form the Southern District of New Jersey and the remaining thirteen counties would form the Northern District of New Jersey. In addition, the current judiciary of the District would be divided so that of the current seventeen judges (three in Trenton, four in Camden, and ten in Newark) eight would be assigned to the proposed Southern District and nine assigned to the proposed Northern District.

On March 31, 2000, Michael Himmel, the then President of the Association of the Federal Bar, created a committee comprised of the following members: Rosemary Alito, Esq.; Frederic K. Becker, Esq.; William Brennan III, Esq.; Warren W. Faulk, Esq.; Carl D. Poplar, Esq.; and Justin P. Walder, Esq. The Committee was chaired by Jonathan L. Goldstein, Esq. The purpose of the Committee was to consider the Bill and make a recommendation to the Association as to whether it should be adopted.

The Committee has solicited information from the leadership of the United States Attorney's office, the United States Probation Department, the United States Marshall Service and has requested information from the public file of the Clerk's office of the U.S. District Court. The Committee met by telephone conference on several occasions. Most recently, the Committee held a meeting on October 31, 2000 at the law offices of Frederic Becker, which all members, except for William Brennan, III, were able to attend. The Committee has also considered the bill itself, its accompanying press release, and memoranda authored by Jeremy D. Frey, former Assistant United States Attorney-in-Charge of the Camden office, dated August 15, 2000 and September 25, 2000 respectively and official statistical data from the office of the Clerk of the Court.

As reflected in these materials, the Bill's proponents advocate its adoption for three main reasons. The first reason is a perceived cultural divide between the northern and southern parts of New Jersey. According to Mr. Frey's earlier memorandum, the Bill "is desirable because it would recognize the southern and northern counties for what they have been and will likely remain for a long time to come: the south is a community with agricultural and rural traditions far different from the more industrial northern region of the state. . . . The diverse cultural and economic character of Southern New Jersey has long engendered a distinctive political identity in Southern New

Jersey that is simply a fact of New Jersey's political life." This cultural divide was the basis for drawing the line separating the two districts as reflected in the Bill.

The second reason given by the Bill's proponents is that the creation of a new district will attract greater law enforcement resources to the Southern District, thus benefitting its residents. They contend that the creation of the Southern District would enable additional and substantial resources to be assigned to a new United States Attorney's Office under the leadership of the U.S. Attorney for the Southern District of New Jersey, including additional resources for the FBI and IRS and other investigative agencies which they assert do not exist today. Mr. Frey's August memorandum states that "[t]he creation of a Southern District would bring several new federal positions for fast-growing southern New Jersey, including a Clerk of the U.S. District Court, a U.S. Marshall, a U.S. Attorney, a Federal Public Defender, a Chief U.S. Probation Officer, a Chief U.S. Pretrial Services Officer and a Clerk of the U.S. Bankruptcy Court, among others." The memo implies that Mr. Frey, when he served as the Assistant United States Attorney-in-Charge in Camden, felt that he was hampered by his inability to obtain sufficient support and resources from his Newark superiors and investigative agencies.

The third reason given by the Bill's proponents for the creation of a new district is that its creation will provide residents of the Southern District and particularly its bar a greater voice and presence in statewide positions. They urge that the creation of a Southern District will for the first time give representation and input to attorneys and citizens who reside in the counties that would make up the Southern District, alleging that in the past, the bar and citizens in the geographic areas comprising the Southern District have not been proportionately represented in the District.

The Committee has received various estimates in the millions of dollars as the cost of maintaining a new district.

After receiving Mr. Frey's first memo, the Committee analyzed the statistics for case filings and what proportion of cases originated in the eight southern counties and what proportion in the thirteen northern counties. Although Mr. Frey's memo included statistics for the criminal filings that originated in the proposed Southern District based on 1998 statistics, no analogous figures were included for the proposed Northern District. Mr. Frey's memorandum properly recognized the dominance of the criminal docket as compared to the civil docket. This is because criminal cases consume more judicial time and resources and, because of the Speedy Trial Act, take precedence over civil cases. Based upon the Committee's analysis, it

concluded that the eight to nine ratio of southern to northern judges proposed by the Bill was not warranted by the number of filings that originated in each proposed district and would in fact create a gross disparity between the relative caseloads of Northern and Southern District judges.

Following this, and after examining more closely the statistics regarding the geographic distribution of new case filings, the Bill's proponents recognized that the judicial staffing proposed by the original bill was not proportional to the relative number of cases originating in the Camden, Trenton and Newark vicinities for the years 1997, 1998 and 1999. On August 11, 2000 Congressman Andrews forwarded to this Committee a new draft of the HR 3835. (See Revised Bill, attached as Exhibit B.) The Revised Bill adds five counties, Ocean, Monmouth, Somerset, Hunterdon and Warren, that are located in the middle and western part of the State to the proposed Southern District. To address further the disparity in individual caseloads, the Revised Bill apportions ten judges to the proposed Northern District and seven judges to the proposed Southern District. Congressman Andrews asserts that the statistics he examined warrant this split. According to the analysis in his letter to the Committee dated August 11, 2000 enclosing the Revised Bill, "[b]ased on the statistics from the District Court of NJ Clerk's Office by county for the 12 months ending June 30, 2000, the Bill was changed to ensure that the workloads would be

essentially equivalent to the 10-7 ratio of district judgeships." There is no discussion of maintaining the make-up of the proposed eight county Southern District and thereby having to reduce further the number of judges allocated to it so that the Southern District maintains its cultural integrity. Indeed, the Committee has seen nothing to indicate that any consideration was ever given to this outcome.

After having considered the Revised Bill in detail, and its proponents' arguments regarding a cultural divide, increased resources being allocated to New Jersey and the lack of representation of the southern bar, the Committee's conclusion is that the Revised Bill should not be adopted. The Committee believes that none of the three stated goals of the Revised Bill will be achieved as a result of its adoption and that the creation of a new Southern District would be a misallocation of precious resources that would be better spent on increasing the total number of judges in the District overall, benefitting all of its residents. That said, the Committee also states that it believes that the District should continue and improve upon its efforts to include all parts of New Jersey in the administration of justice.

With regard to a cultural divide, the Committee is not convinced that the divide is as great as is claimed or that such a division should be fostered instead of encouraging an

integration of all parts of the District. Moreover, the Revised Bill, by adding five middle counties, does not even achieve the recognition of the cultural divide that its proponents seek. Although committee members Faulk and Poplar argued strenuously for the creation of a Southern District, they had to concede, after they looked at the map showing the revised boundary, that they could no longer base their argument that a split of a Northern and Southern District of New Jersey on a need to recognize cultural diversity (See Map, attached as Exhibit C). In addition, all Committee members attending the October 31, 2000 meeting agreed that Warren and Somerset counties are culturally dissimilar to the other counties in the proposed Southern District and the majority agree that Monmouth and Hunterdon Counties also should not be considered "southern" counties.

Regarding the second reason advanced by the Bill's proponents, that of attracting additional resources to southern New Jersey, the Committee believes that this reason does not justify the proposed division and that it may unfairly burden the proposed Northern District. Even worse, the proposed division is likely to have the reverse of its intended effect and result in the District of New Jersey losing the prestige it now enjoys on a national level with a resulting loss of resources to the state.

First, it is likely that any additional resources received by southern New Jersey district would be at the expense

of northern New Jersey, an issue not directly addressed by any of the Revised Bill's proponents. Specifically, the proposed division of judges, even under the Revised Bill, will create an imbalance of the workloads of the northern and southern judges. There were 650 criminal cases filed during fiscal year 1999. Of these 479, or 73.7% originated in the eight-county proposed Northern District and 171, or 26.3% originated in the thirteen-county proposed Southern District. Clearly, these numbers do not justify a division under which seven of the seventeen judges, or 41% of the judges sit in the Southern District. Based on the statistics of the originations of criminal filings, the Southern Districts proportional share of judges would be only four or five judges. (26% of 17 is 4.42.)

The statistical analysis of criminal filings for the years 1998 and the year ending July 31, 2000 reflect even more startling percentages. In 1998 81.1% of criminal filings had their origin in the eight northern counties and 18.9% had their origin in the thirteen southern counties. In the year ending July 31, 2000, the split is 76% to 24% (See Exhibit D). The civil filings indicate that over the last three years an average of 55% were filed in the eight northern counties and 45% in the thirteen southern counties. (See Exhibit E.) Of course, as alluded to earlier, it is the criminal calendar that puts the greater strain on judicial resources. Indeed, the Revised Bill's

proponents recognize the burden under which the District of New Jersey's judges are already laboring.

Members of the bar recall well the imbalance that was created by the criminal docket in the late 1970's and 1980's when the Newark vicinage was disproportionately burdened. At that time the District implemented the wheel system to distribute the cases more evenly among the three vincinges. Since then, a more informal and preferable system has been adopted. The key point is that as a united District, the court has the flexibility it needs to distribute the docket evenly. If two separate districts are created as proposed by the Revised Bill, that flexibility will be lost as cases originating in each district will have to remain in that district. While in the short run it would appear that under the allocation of judges proposed by the Revised Bill it will be the judges sitting in the proposed Northern District who will be more burdened, it is possible that in the future, depending on the relative population growths of both proposed districts, it will be the southern judges who find themselves unduly burdened as compared to their northern colleagues.

The Committee was struck by how burdened all of the District's judges were compared to other districts, an inequality sharply delineated in the statistics recited in the proposed Revised Bill. According to Mr. Frey's earlier memorandum, the caseload of the proposed Southern District would exceed that of

51 of the current 94 federal districts in the country and the caseload of the proposed Northern District is even greater. The additional funds required for a second district will not pay for any additional judges in either district; the total number of judges remains the same under the Revised Bill. After reviewing the materials submitted by Congressman Andrews and Mr. Frey, it is the Committee's considered opinion that the most pressing concern facing the District at this time is not a need for a new district but rather the need for more judges to serve the entire District, both north and south. While the Committee has no statistics indicating what a budget would be per judge, it would appear that the many millions of dollars spent dividing the district would be better utilized to gain additional judgeships for the district. Finally, practically speaking, if Congress were to approve this Revised Bill, it might jeopardize the ability of New Jersey to obtain more funding for additional judges in the foreseeable future.

In addition, the Committee believes that the proposed division would weaken both parts of the state by leaving neither one sufficiently strong to attract large cases from the United States Department of Justice. This would more than offset the potential resources coming into the District under the Revised Bill, resulting in a net loss of resources for New Jersey. The allocation of federal resources by the U.S. Department of Justice and U.S. Treasury is dependent upon the historic evaluation of

criminal cases in the geographic areas. The creation of a Southern District will not provide additional law enforcement resources other than to create a few new positions, such as that of another United States Attorney. It would not, however, necessarily result in the addition of any additional attorneys or investigative agencies.

Instead, the proposed division of New Jersey into two smaller districts would deprive the current U.S. Attorneys Office of the power and prestige that it now enjoys on a national level. The District of New Jersey is sandwiched between two powerful and active districts: the Southern District of New York to the east and the Eastern District of Pennsylvania to the west. It was not many years ago, when the New Jersey office was small and had to strive to earn the respect of the Justice Department and to persuade it that it was capable of handling important and large criminal investigations. Many years ago these investigations were routinely given to the U.S. Attorneys in the Southern District of New York and the Eastern District of Pennsylvania.

For the last thirty years, the U.S. Attorney's office in New Jersey has enjoyed respect in Washington, D.C. and has the power and the ability to protect New Jersey's interest in law enforcement and to compete with the neighboring districts in attracting major cases. As pointed out by the Revised Bill's proponents, New Jersey is one of the largest districts in the

nation. This is a desirable result. Dividing the district into two would leave both of them without the ability to attract large criminal investigations from the Justice Department.

The Committee also notes that the strong and united District of New Jersey has provided a platform from which all of the New Jersey judiciary can be recognized on a national level. The District of New Jersey's stature contributed to Judge Gerry's ability to ascend to his position as head of the U.S. Judicial Conference and was a factor in the choice of Judge Barry as head of the Supreme Court Criminal Law Committee. Again, dividing the District of New Jersey into two smaller and weaker districts will hamper the judiciary and the bar from all parts of New Jersey, north and south.

The third reason given for the proposed division is that citizens of the southern part of the State would be much better served by a more stable and responsive law enforcement and judiciaries with roots in the community. The Committee believes that this concern must be addressed. The Committee recommends that there be instituted regularly scheduled meetings by representatives of the Association of the Federal Bar with both United States Senators, the United States Attorney, the special agent in charge of the FBI and the district director of the IRS to ensure that all parts of New Jersey are properly considered in staffing and other decisions. Moreover, current efforts to

address the special concerns of the South Jersey bar should continue. Specifically, the Committee notes that the current Chief Judge is Judge Thompson who presides in Trenton. She succeeded Judge Gerry, who presided in Camden.

A majority of the Committee is opposed to the adoption of the Revised Bill. The Committee believes that all parties involved should look beyond the immediate tug-of-war between the northern and southern parts of the State and be far-sighted enough to realize that a possible short-term benefit to the south would result in a long-term loss to the entire State. The Committee recommends that the bars from all counties and the entire New Jersey delegation unite to press the Congress to approve a Bill creating more judgeships in the District of New Jersey. The Committee was impressed by the energy and devotion of Congressman Andrews and believes that he, together with the New Jersey Congressional delegation, has the ability and the skill to accomplish this important task.

Exhibit A

News Release:

Rep. Rob Andrews (NJ-01)
Rep. Frank LoBiondo (NJ-02)
Rep. Jim Saxton (NJ-03)
Rep. Chris Smith (NJ-04)

CONTACTS: Andrews:	Bill Caruso	(856) 546-5100
LoBiondo:	Bethany Blankley	(202) 225-6572
Saxton:	Jeff Sagnip	(609) 261-5800
Smith:	Chris Connelly	(202) 225-3765

For Immediate Release

CAMDEN, NJ--The South Jersey Congressional delegation is jointly introducing bipartisan legislation in Congress to fight crime in South Jersey, by bringing more federal law enforcement resources to the region.

Currently, South Jersey is not getting its fair share of federal law enforcement resources. In 1998, 25% of the State's urban murders occurred in three South Jersey cities. The South Jersey region accounts for 32% of the state's murder arrests and 33% of the state's arrests for violent crimes. Yet our region is lacking federal resources, despite South Jersey's relative share of the state's crime problem.

- Only 10% of the FBI agents in the state are assigned to South Jersey
- Only 15% of New Jersey's U.S. Marshals are stationed in South Jersey
- South Jersey has only 18% of the Drug Enforcement Agents in the state.

In addition, the South Jersey region is shortchanged in the number of federal prosecutors who are working to bring criminals to justice. Of the 119 Assistant U.S. Attorneys in New Jersey, only 12 are in South Jersey -- less than 18%. As a result, our federal courts are overloaded with cases.

To solve this problem, Representatives Rob Andrews (D-NJ-01), Frank LoBiondo (R-NJ-02), Jim Saxton (R-NJ-03) and Chris Smith (R-NJ-04) are introducing legislation this week, which would create a new Federal judicial district in South Jersey. Senator Bob Torricelli (D-NJ) will also introduce identical legislation in the U.S. Senate. The new district would comprise Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer and Salem counties.

"I want to express my support and appreciation for the dedicated law enforcement officials serving in our region and thank them for their continued professionalism and excellence," said Rep. Rob Andrews (D-NJ-01). "Our law enforcement personnel are doing a great job with the resources they have. But the current Federal judicial district located in Newark is not adequate for a State of this size. South Jersey has half the resources we need to solve crimes and resolve federal cases. The creation of a new Federal judicial district for South Jersey will ensure that law enforcement officials in our region get what they need to prosecute crimes effectively and expeditiously."

"I am pleased to join with Congressmen Rob Andrews, Jim Saxton, and Chris Smith to introduce bipartisan legislation that will create a new federal judicial district in South Jersey," Congressman LoBiondo (R-NJ-02) said. "This new district designation will bring more federal law enforcement resources to our region. It is a good step in the right direction to make sure that important administrative decisions are not made by officials in Newark but by our local officials."

Congressman Jim Saxton, (R- NJ-3rd), commented on the proposal of a second federal district for the state of New Jersey.

"South Jersey has a heavy load of federal civil cases," Saxton said. "Of the 95 Federal court districts in the United States, South Jersey alone has more federal cases than 52 of them."

Saxton also noted that many districts in other states had more judges and yet fewer cases than South Jersey.

"I view this as an efficient, cost-effective proposal," said Saxton. "It would expedite the logjam of caseloads in New Jersey. People from South Jersey currently have to pay their attorneys' hourly rates for traveling to North Jersey. This legislation isn't for the benefit of judges or lawyers, it's for the benefit of citizen litigants. North Jersey would benefit as well, with a reduced case load. This proposal is good for taxpayers in all areas of the state. An efficient judicial system is in everyone's interest."

"It is not just a geographical divide that makes this a good idea," said Senator Robert Torricelli, who serves on the Senate Judiciary Committee. "The new judicial district will help make South Jersey safer. The courts will function more effectively and crime fighting will be improved. New Jersey deserves the best legal resources available to support the law enforcement community and to keep our communities safe and secure. In total, this plan will be good for the entire state, not just for South Jersey."

The proposed legislation would divide the State into two separate federal judicial districts; currently, all of New Jersey is contained in one single federal judicial district. The South Jersey delegation has cited strong evidence to support the creation of a new district.

- South Jersey's federal courts have an immense caseload, which more than justifies the creation of a new district. In 1998, 281 federal criminal cases were filed in the federal courts in the South Jersey region, a number that exceeds the caseloads of more than half of the existing federal judicial districts nationwide. Considered on its own, the South Jersey region's federal judicial system has far more criminal cases than such major federal judicial districts as Eastern District of Virginia, with 110 criminal cases, or the District of Connecticut, with 221 criminal cases filed in 1998.
- The number of pending cases in the Southern region of New Jersey exceeds that of other federal districts in the nation that have access to even more resources than South Jersey. For instance, in 1998 there were 161 criminal cases pending from the Southern Region of New Jersey, while only 116 criminal cases were pending for the entire Southern District of Indiana, a district with far more federal judicial and law enforcement resources.
- New Jersey is far too large to have a single federal judicial district. Of the 25 states, which have only one federal district, New Jersey has the highest population. More than a dozen

States have smaller populations yet have multiple Federal districts. New Jersey's single federal judicial district has the nation's third highest population. Creating a new Southern District of New Jersey for our region of more than 2 million people -- 25% of New Jersey's population -- would result in a federal judicial district with a greater population than 44 of the nation's 94 judicial districts.

This bill has garnered support from legal and law enforcement groups from across the South Jersey region. A list of supporters who have drafted letters endorsing the bill follows:

INDIVIDUALS

Steven Raymond, Former Prosecutor of Burlington County
Donald Wadsworth, Former FBI Agent
Fred Romonowski, Former State Trooper
K.C. Blankenbueler, President of K.B. Associates
William Bell, Former FBI Agent
Larry Schneider, Former FBI Agent
Donald Knapp, Former FBI Agent
Anthony Backus, Former FBI Agent
George Sturm, Former FBI Agent
Rocco Cipparone, Jr., Former Assistant U.S. Attorney
Bruce Merril, P.A., Former Assistant U.S. Attorney
Edward Borden, Jr., Former County Prosecutor and Assistant U.S. Attorney
George Wilson, Former Assistant U.S. Attorney
Frederick Klepp, Former Assistant U.S. Attorney
Nancy Bloomberg, Former Assistant U.S. Attorney
John Finnegan, III, Former Assistant U.S. Attorney

GROUPS

South Jersey Police Chief's Association, Inc.
Atlantic County Bar Association
Burlington County Bar Association
Cape May County Bar Association
Cumberland County Bar Association
Camden County Bar Association
Gloucester County Bar Association
Salem County Bar Association

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(Original Signature of Member)

106TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 28, United States Code, to divide New Jersey
into 2 judicial districts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) In 1978, the Judicial Conference of the
6 United States established a procedure for creating
7 new Federal judicial districts, which is still in force. —

1 According to the "Proceedings of the Judicial Con-
2 ference, September 21-22, 1978", this procedure re-
3 quires that 4 principal criteria be taken into consid-
4 eration in evaluating the establishment of a new
5 Federal judicial district: caseload, judicial adminis-
6 tration, geography, and community convenience.

7 (2) The criterion of "caseload" is found to in-
8 clude the total number of Federal court cases and
9 the number of cases per Federal judge, for both civil
10 and criminal Federal cases.

11 (3)(A) The substantial criminal caseload con-
12 centrated in the southern counties of New Jersey re-
13 quires the creation of a separate judicial district.

14 (B) 281 Federal criminal cases originated in
15 the 8 southern New Jersey counties in 1998 and
16 were handled by the 5 judges of the Camden vicin-
17 age and the 3 judges of the Trenton vicinage.

18 (C) The criminal caseload in the southern re-
19 gion of New Jersey exceeds that of 51 of the current
20 Federal judicial districts. Only 44 of the 95 Federal
21 district courts have more criminal cases filed than
22 the southern region of New Jersey.

23 (D) For example, in the Eastern District of
24 Virginia (9 judges), 110 criminal cases were filed in

1 1998. In the District of Connecticut (8 judges), only
2 221 criminal cases were filed in 1998.

3 (4)(A) The substantial civil caseload con-
4 centrated in the southern counties of New Jersey re-
5 quires the creation of a separate judicial district.

6 (B) 2,116 Federal civil cases originated in the
7 8 southern New Jersey counties in 1998 and were
8 handled by the 5 judges of the Camden vicinage and
9 the 3 judges of the Trenton vicinage.

10 (C) The civil caseload in the southern region of
11 New Jersey exceeds that of 52 of the current Fed-
12 eral judicial districts. Only 43 out of the 95 Federal
13 districts have more civil cases filed than this region
14 of the New Jersey District.

15 (D) For example, in the Southern District of
16 West Virginia, a separate judicial district with 5
17 judges, only 1,315 civil cases were filed in 1998. The
18 Western District of Tennessee, similarly, with 5
19 judges, had only 1,581 civil cases filed in 1998.

20 (5) The criterion of "judicial administration" is
21 found to include the backlog of pending cases in a
22 Federal judicial district, which hinders the effective
23 resolution of pending business before the court.



1 (6)(A) The size of the backlog of pending cases
2 concentrated in the southern counties of New Jersey
3 requires the creation of a separate judicial district.

4 (B) The number of pending cases in the Cam-
5 den vicinage of New Jersey exceeds the number of
6 cases pending before entire judicial districts with
7 similar numbers of judges, clearly indicating that
8 southern New Jersey merits a separate Federal judi-
9 cial district. For example, there are 1,431 civil cases
10 pending before the Camden vicinage, and only 113
11 of those were commenced in 1999. The Western Dis-
12 trict of Tennessee, with 5 judges, had only 1,104
13 civil cases pending in 1998. The Western District of
14 Oklahoma had only 1,359 civil cases pending in
15 1998 before 6 judges. Finally, there are 161 crimi-
16 nal cases pending before the Camden vicinage, while
17 the entire Southern District of Indiana, with 5
18 judges, had only 116 criminal cases pending in
19 1998.

20 (7) The criterion of "geography" is found to
21 mean the accessibility of the central administration
22 of the Federal judicial district to officers of the
23 court, parties with business before the court, and
24 other citizens living within the Federal judicial dis-
25 trict.

1 (8)(A) The distance between the northern and
2 southern regions of New Jersey creates a substantial
3 barrier to the efficient administration of justice.

4 (B) The distance from Newark, New Jersey to
5 Camden, New Jersey is more than 85 miles.

6 (C) When a new Federal court district was cre-
7 ated in Louisiana in 1971, the distance between
8 New Orleans and Baton Rouge (nearly 80 miles)
9 was cited as a major factor in creating a new district
10 court, as travel difficulties were impeding the timely
11 administration of justice.

12 (9) The criterion of "community convenience"
13 is found to mean the extent to which creating a new
14 Federal judicial district will allow the court to better
15 serve the population and diverse communities of the
16 area.

17 (10)(A) New Jersey's culturally and regionally
18 diverse population of 8,000,000 citizens, widely dis-
19 tributed across a large State, is inconvenienced by
20 having only 1 judicial district.

21 (B) Of the 25 States that have only a single
22 Federal judicial district (including Puerto Rico, the
23 United States territories, and the District of Colum-
24 bia), New Jersey has the highest population.



1 (C) More than a dozen States have smaller pop-
2 ulations than New Jersey, yet they have multiple
3 Federal judicial districts, including Washington,
4 Oklahoma, Iowa, Georgia, West Virginia, and Mis-
5 souri.

6 (11) In evaluating the creation of a new South-
7 ern District of New Jersey, the Judicial Conference
8 should seek the views of the chief judge of the af-
9 fected district, the judicial council for the affected
10 circuit court, and the affected United States Attor-
11 ney as representative of the views of the Department
12 of Justice, as required in the procedure established
13 by the "Proceedings of the Judicial Conference, Sep-
14 tember 21-22, 1978".

15 **SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.**

16 (a) **CREATION.**—Section 110 of title 28, United
17 States Code, is amended to read as follows:

18 **"§ 110. New Jersey**

19 "New Jersey is divided into 2 judicial districts to be
20 known as the Northern and Southern Districts of New
21 Jersey.

22 **"Northern District**

23 "(a) The Northern District comprises the counties of
24 Bergen, Essex, Hudson, Hunterdon, Middlesex, Mon-

1 mouth, Morris, Ocean, Passaic, Somerset, Sussex, Union,
2 and Warren.

3 "Court for the Northern District shall be held at Newark.

4 "Southern District

5 "(b) The Southern District comprises the counties of
6 Atlantic, Burlington, Camden, Cape May, Cumberland,
7 Gloucester, Mercer, and Salem.

8 "Court for the Southern District shall be held at Camden
9 and Trenton."

10 (b) JUDGESHIPS.—The item relating to New Jersey
11 in the table set forth in section 133(a) of title 28, United
12 States Code, is amended to read as follows:

"New Jersey:	
"Northern	9
"Southern	8".

13 (c) BANKRUPTCY JUDGESHIPS.—The item relating to
14 New Jersey in the table set forth in section 152(a)(1) of
15 title 28, United States Code, is amended to read as fol-
16 lows:

"New Jersey:	
"Northern	4
"Southern	4".

17 SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-
18 ISTRATE JUDGES, UNITED STATES ATTOR-
19 NEY, UNITED STATES MARSHAL, AND FED-
20 ERAL PUBLIC DEFENDER.

21 (a) TRANSFER OF DISTRICT JUDGES.—(1) Any dis-
22 trict judge of the District Court of New Jersey who is

1 holding office on the day before the effective date of this
2 Act and whose official duty station is in Bergen, Essex,
3 Hudson, Hunterdon, Middlesex, Monmouth, Morris,
4 Ocean, Passaic, Somerset, Sussex, Union, or Warren
5 County shall, on or after such effective date, be a district
6 judge for the Northern District of New Jersey. Any dis-
7 trict judge of the District Court of New Jersey who is
8 holding office on the day before the effective date of this
9 Act and whose official duty station is in Atlantic, Bur-
10 lington, Camden, Cape May, Cumberland, Gloucester,
11 Mercer, or Salem County shall, on and after such effective
12 date, be a district judge of the Southern District of New
13 Jersey.

14 (2) Whenever a vacancy occurs in a judgeship in ei-
15 ther judicial district of New Jersey, the vacancy shall first
16 be offered to those judges appointed before the enactment
17 of this Act and in active service in the other judicial dis-
18 trict of New Jersey at the time of the vacancy, and of
19 those judges wishing to fill the vacancy, the judge most
20 senior in service shall fill that vacancy. In such a case,
21 the President shall appoint a judge to fill the vacancy re-
22 sulting in the district of New Jersey from which such
23 judge left office.

24 (b) TRANSFER OF BANKRUPTCY AND MAGISTRATE
25 JUDGES.—Any bankruptcy judge or magistrate judge of

1 the District Court of New Jersey who is holding office on
2 the day before the effective date of this Act and whose
3 official duty station is in Bergen, Essex, Hudson,
4 Hunterdon, Middlesex, Monmouth, Morris, Ocean, Pas-
5 saic, Somerset, Sussex, Union, or Warren County shall,
6 on or after such effective date, be a bankruptcy judge or
7 magistrate judge, as the case may be, for the Northern
8 District of New Jersey. Any bankruptcy judge or mag-
9 istrate judge of the District Court of New Jersey who is
10 holding office on the day before the effective date of this
11 Act and whose official duty station is in Atlantic, Bur-
12 lington, Camden, Cape May, Cumberland, Gloucester,
13 Mercer, or Salem County shall, on and after such effective
14 date, be a bankruptcy judge or magistrate judge, as the
15 case may be, of the Southern District of New Jersey.

16 (c) UNITED STATES ATTORNEY, UNITED STATES
17 MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

18 (1) THOSE IN OFFICE.—This Act and the
19 amendments made by this Act shall not affect the
20 tenure of office of the United States attorney, the
21 United States marshal, and the Federal Public De-
22 fender, for the District of New Jersey who are in of-
23 fice on the effective date of this Act, except that
24 such individuals shall be the United States attorney,
25 the United States marshal, and the Federal Public

1 Defender, respectively, for the Northern District of
2 New Jersey as of such effective date.

3 (2) APPOINTMENTS.—The President shall ap-
4 point, by and with the advice and consent of the
5 Senate, a United States attorney and a United
6 States marshal for the Southern District of New
7 Jersey. The Court of Appeals for the Third Circuit
8 shall appoint a Federal Public Defender for the
9 Southern District of New Jersey.

10 (d) PENDING CASES NOT AFFECTED.—This Act and
11 the amendments made by this Act shall not affect any ac-
12 tion commenced before the effective date of this Act and
13 pending in the United States District Court for the Dis-
14 trict of New Jersey on such date.

15 (e) JURIES NOT AFFECTED.—This Act and the
16 amendments made by this Act shall not affect the com-
17 position, or preclude the service, of any grand or petit jury
18 summoned, empaneled, or actually serving in the Judicial
19 District of New Jersey on the effective date of this Act.

20 SEC. 4. EFFECTIVE DATE.

21 (a) IN GENERAL.—This Act and the amendments
22 made by this Act shall take effect 180 days after the date
23 of the enactment of this Act.

24 (b) APPOINTMENTS.—Notwithstanding subsection
25 (a), the President and the Court of Appeals for the Third

- 1 Circuit may make the appointments under section 3(c)(2)
- 2 at any time after the date of the enactment of this Act.

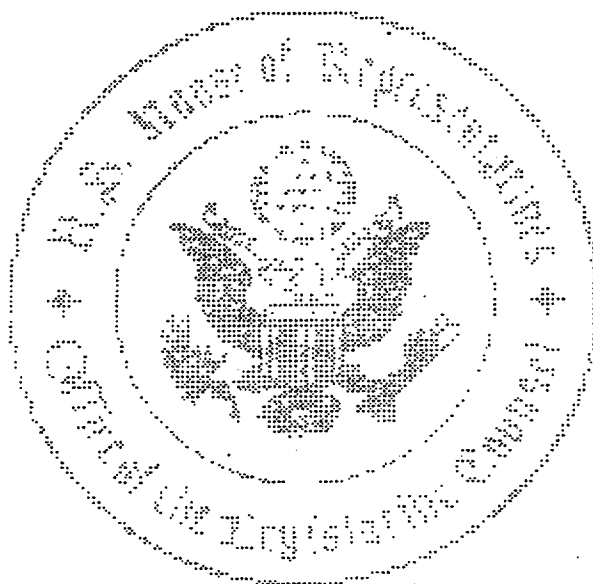


Exhibit B

(Please refer to revised bill H.R. 409
at Exhibit A of the Minority Subcommittee Report entitled
CREATING THE NORTHERN AND SOUTHERN DISTRICTS
OF NEW JERSEY.)

ROBERT E. ANDREWS

FIRST DISTRICT, NEW JERSEY

COMMITTEES:

EDUCATION AND THE WORKFORCE

SENIOR RANKING DEMOCRAT, SUBCOMMITTEE ON
EMPLOYER-EMPLOYEE RELATIONS

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AND DEVELOPMENT

MEMBER, SPECIAL OVERSIGHT PANEL ON
MORALE, WELFARE AND RECREATION

Congress of the United States
House of Representatives
Washington, DC 20515-3001

PLEASE REPLY TO:

- ☐ 2439 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-6501
- ☐ 506-A WHITE HORSE PIKE
HADDON HEIGHTS, NJ 08035
(609) 546-5100
- ☐ 63 NORTH BROAD STREET
WOODBURY, NJ 08096
(609) 848-3900

E-MAIL:

rob.andrews@mail.house.gov

August 11, 2000

Mr. Jonathan L. Goldstein
Hellring Lindeman Goldstein & Siegal
One Gateway Ctr
Newark, NJ 07102

Dear Mr. Goldstein:

I am writing to inform you of a new draft of H.R. 3835, which would split New Jersey into two judicial districts. As you can see in the enclosed copy of the new proposal, the current ratio of ten judges in the north and seven judges in the south will remain intact. Also, in this new draft bill, the current district is split so that the new northern district will consist of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sussex, and Union counties. The southern district will consist of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Monmouth, Ocean, Salem, Somerset, and Warren counties. Based on statistics from the District Court of NJ Clerk's Office by county for the 12 months ending June 30, 2000, the bill was changed to ensure that the workloads would be essentially equivalent to the 10-7 ratio of district judgeships. Thank you for your interest in this issue, and please do not hesitate to contact me with your comments.

Sincerely,



Robert Andrews
Member of Congress

REA:mw

Exhibit C

New Jersey

with county boundaries

Proposed dividing line
in revised legislation →

Proposed dividing line
in original legislation →

⊛ denotes location
of federal
courthouses

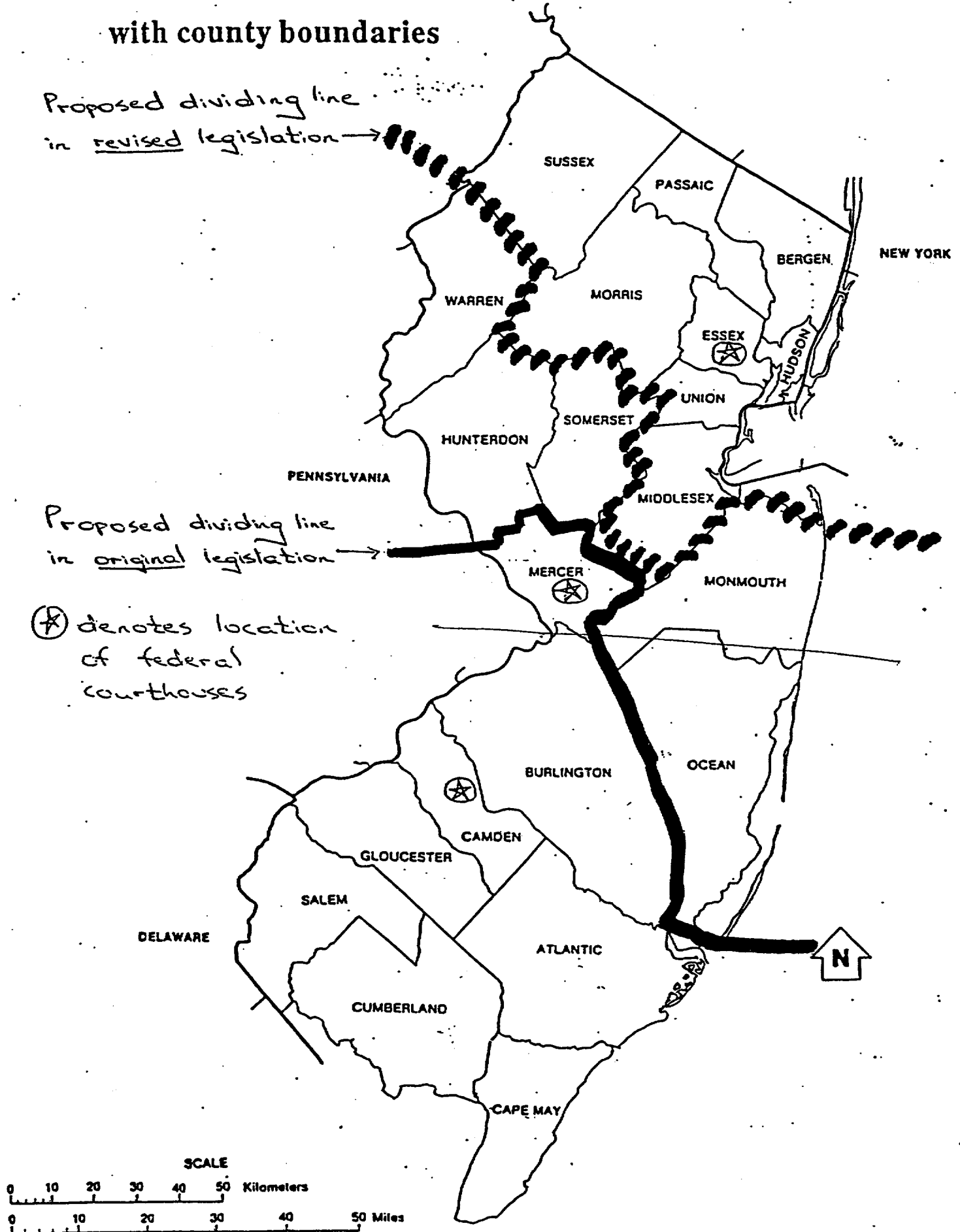


Exhibit D

1998	Total	Newark	Trenton	Camden
Total Filings - by vicinage to which Clerk's Office assigned the case	700	417	283 (combined Trenton & Camden)	
Origin of 417 Newark courthouse filings		365	18	34
Origin of 283 Camden & Trenton courthouse filings		203	24	56
Adjusted Total Filings	700	568 ¹	132 (combined Trenton & Camden)	
- percentage of total		81.1 %	18.9 %	

1. Includes about 91 cases where venue could lie in different counties throughout the state. Of these, about 29 cases could have venue in Warren, Hunterdon, Somerset, Monmouth and Ocean counties.

All numbers on this sheet are approximate and are based on data from the U.S. District Court.

2000 (up to 7/31/00)	Total	Newark	Trenton	Camden
<u>Total Filings</u> - by vicinage to which Clerk's Office assigned the case	445	263	182 (combined Trenton & Camden)	
Origin of 263 Newark courthouse filings		261	2	0
Origin of 182 Camden and Trenton courthouse filings		77	14	91 ¹
<u>Adjusted Total Filings</u> based on origin of cases	445	338 ²	107 ¹ (combined Trenton & Camden)	
- percentage of total		76 %	24 % (combined Trenton & Camden)	
Number of Judges (and percentage)	17	10 (58.8 %)	7 (41.2 %) (combined Trenton & Camden)	

1. Includes about 25 cases that originated in Camden as part of a short-term congressionally funded gun program that is scheduled to expire soon.

2. Includes about 31 cases where venue could lie in different counties throughout the entire state. Of these, about 21 cases could have venue in Warren, Hunterdon, Somerset, Monmouth and Ocean counties.

All numbers on this sheet are approximate and are based on data from the U.S. District Court.

Exhibit D
page 2

Exhibit E

CIVIL FILINGS - DISTRICT SPLIT NORTH-SOUTH
Statistical Years (October 1 through September 30)

	<u>1998</u>	<u>1999</u>	<u>2000</u>
NORTH	3,392 (54%)	3,368 (53%)	3,506 (55%)
SOUTH	2,893 (46%)	2,965 (47%)	2,927 (45%)
TOTALS NORTH AND SOUTH	6,285	6,333	6,433